REMARKS/ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

35 U.S.C. § 103(a) Rejections

Examiner rejected claims 1-3, 5-8, 10-14, 24-27, and 30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,473,857 (hereinafter "Panas et al.") and U.S. Patent 5,367,688 (hereinafter "Croll").

> To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (Manual of Patent Examining Procedure (MPEP) ¶ 2143.03).

Independent claims of the present application include limitations not disclosed or suggested by Panas or Croll. As a result, applicant's independent claims are patentable over Panas in view of Croll.

In particular, applicant's independent claims include the limitation, or limitation similar thereto, of <u>transferring the information to the subsystem is performed without involvement of a main system operating system, *the main system including the subsystem and the operating system.*</u>

In the most recent office action, the examiner states Croll teaches a system for booting a subsystem comprising the step of transferring boot image from the host system to the subsystem without involvement of the host operating system. Applicant respectfully disagrees.

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Croll does not disclose transferring the information to the subsystem is performed without involvement of a main system operating system, <u>the main system including the subsystem and the operating system</u>. Rather, Croll teaches transferring boot images between two separate computers via a communication link.

> In a distributed system, the system is controlled by a host computer which provides services to the smaller computers, which are termed "nodes", such as data and program sharing, scheduling of resources such as printers and the like. (Croll, col. 1, lines 43-47).

> The invention provides a new and improved apparatus and method for performing a transfer of a boot image from a host to a node in a distributed digital data processing system. (Croll, col. 1, lines 65-68).

Therefore, as a result of Croll failing to teach the claimed limitation of transferring the information to the subsystem is performed without involvement of a main system operating system, applicant's independent claims are patentable over Panas in view of Croll.

Furthermore, the remaining claims depend from one of the independent claims as discussed above. As a result, the dependent claims include the distinguishing claim limitation discussed above and are patentable over Panas in view of Croll.

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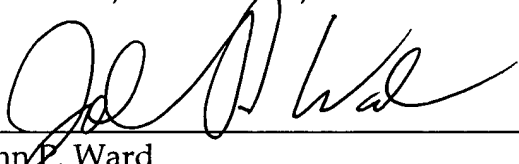Amendment Dated: 10/07/04

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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